

Docket No. F-7228

Ser. No. 09/989,291

REMARKS

The above amendments and following remarks are responsive to the final Office Action of November 15, 2004. Entry of the Amendments and consideration of the remarks are respectfully requested and a notice of allowance is earnestly solicited.

The Examiner has objected to claim 13 for reciting "drives" rather than "drive". Applicant has corrected the recitation to obviate the objection.

Claims 1-2, 4-5 and 14 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant has amended claims 1, 2 and 14 to overcome the rejections.

Claims 1-2, 4-7, 9-10 and 12-14 have been rejected under 35 U.S.C. §103 (a) as being unpatentable over Jukio (JP 2000-051541) as modified by Jicha et al (U.S. Patent No. 6,175,784) where the Examiner acknowledges that Jukio fails to teach, and asserts that Jicha teaches, a discrimination data, a data storage for storing identification of the drive, a first and second discriminator and an identification information changer. Regarding claims 4-5, the Examiner asserts that storing data in nonvolatile memory would have been known in the art. The Examiner has also applied the rejection of claims 1 and 2 against claims 6-7, 9-10 and 12-14. Applicant respectfully disagrees with the Examiner's assessment and provides the following traverse.

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Applicant asserts that the rejection under 35 U.S.C. §103 (a) cannot be maintained against any claim unless the combined prior art references teach each limitation of the respective claim. *In re Royka*, 490 F.2d 981 (CCPA 1974) (a prima face case of obviousness is established only where the combination of cited references teaches or suggests each limitation in the claim).

Comparing the recitations of amended claim 1 to Jicha (US 6,175,784) and Yukio (JP 2000-051541), the claim recites the following features:

A: a transmitter having a data generator, where the data generator is capable of independently changing transmitter-specifying information data and drive-specifying information data based on a user's input;

B: an identification-information changer that communicates with a drive, where the changer changes the transmitter-specifying information stored in a storage device of the drive based on the transmitter-specifying information and the drive-specifying information included in data that is discriminated as data for changing the identification information.

According to the above features, the identification information of the present invention includes two kinds of information, the transmitter-specifying information and the drive-specifying information formation. Each of the two kinds information can be changed independently of each other, and the two kinds information can both be changed by a single transmission of data from a transmitter.

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In comparison with the recitations of Claim 1, Jicha discloses a remote control system having plural drives (rail cars) controlled by only one transmitter (HDT14). The transmitter-specifying information (ID cord) stored in the drive can be changed by transmitting data from a transmitter (column 7: line 51-column 8: line 5). However, Jicha fails to disclose or teach a system having a plurality of transmitters. Rather, the remote control system of Jicha is applicable to a real rail car system where a single central control room (i.e., a single transmitter) typically manages the operations of the rail cars. Therefore, Applicant asserts that a remote control system having a plurality of transmitters is not taught by Jicha and, therefore, the recitations of independent Claim 1, regarding the transmitter-specifying information, are not taught by Jicha.

On the other hand, Yukio discloses a remote control system having a plurality of transmitters. Each transmitter corresponds to a single drive (RC car) having a same ID as the transmitter. Even if the ID in Yukio corresponds to the transmitter-specifying information, Yukio nonetheless fails to disclose or teach that the transmitter-specifying information stored in the drive is changed by transmitting data from a transmitter. In Yukio, the transmitter-specifying information stored in the drive is changed by manually changing an ID switch 205 that is mounted on the drive (see columns 0022 and 0039). Data is transmitted in Yukio only for operating the drive. The transmitter-specifying information stored in the drive can be changed only by the manually changed switch 205, not by the transmitter. Accordingly, Yukio fails

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to teach transmitter-specifying information stored in the drive that is changed by the transmitter as recited in independent Claim 1.

Therefore, the combination of Jicha and Yukio fails to teach a remote control system where the transmitter-specifying information stored in the drive is changed by transmitting data, but rather teaches that the transmitter-specifying information stored in the drive is changed by a manually changing a mounted drive switch.

As mentioned above, changing the transmitter-specifying information stored in the drive by transmitting data, as recited in independent Claim 1, is described in neither Yukio nor Jicha. Therefore, even if Jicha and Yukio are combined, the combination fails to teach changing the transmitter-specifying information and the drive-specifying information stored in the drive, where differing information data is capable of being independently changed by a single transmission of data as recited in independent Claim 1. Therefore, Applicant asserts that Claim 1 is allowable over the prior art. *Royka*, 490 F.2d at 981.

Applicant further asserts that independent claims 6, 9 and 12 contain the patentable recitations of Claim 1 and are allowable therewith. Moreover, the claims depending from independent claims 1, 6, 9 and 12 inherently contain the limitations of the respective independent claim and are patentable therewith. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 234 F.3d 558 (Fed. Cir. 2000) (a claim that depends from a prior claim incorporates all the limitations of that claim).

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In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,
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